

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22001-22025

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

22001. Misbranding of Sal-Tonik. U. S. v. Thirty-two 50-Pound Blocks of Sal-Tonik, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 23216 to 23219 incl. I.S. nos. 014127 to 014130 incl. Sample nos. 1221 to 1324, incl.)

This case involved various shipments of Sal-Tonik, the labels of which contained unwarranted curative and therapeutic claims.

On December 6, 1928, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one hundred and twenty-three 50-pound blocks of Sal-Tonik, in various lots at Tripp, Fedora, Parkston, and Kaylor, S.Dak., respectively, alleging that the article had been shipped in interstate commerce between the dates of April 7 and June 30, 1928, by the Guarantee Veterinary Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The labels of the article bore the same curative and therapeutic claims as the labels of the product covered by Notice of Judgment no. 16793.

Analysis of a sample of the article by this Department showed that it consisted essentially of 87.8 percent of sodium chloride, 4.2 percent calcium carbonate, and small proportions of sulphur, paraffin, an iron compound, and sulphates.

It was alleged in the libels that the article was misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the labels, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22002. Adulteration and misbranding of Zepyrol. U. S. v. 44 Packages and 22 Packages of Zepyrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31559. Sample nos. 56258-A, 56259-A.)

Examination of the drug product, Zepyrol, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic and germicide, as claimed.

On November 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty-four 14-ounce packages and twenty-two 6-ounce packages of Zepyrol at Dallas, Tex., alleging that the article had been shipped in interstate commerce in part on or about June 8, 1933, from Chula Vista, Calif., and in part on or about October 9, 1933, from Los Angeles, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zepyrol * * * Stearns-Hollinshead Co. Inc. Portland, Oregon."

Analysis of a sample of the article by this Department showed that it consisted of small proportions of zinc chloride, sodium chloride, glycerin, saccharin, alcohol (2.5 percent by volume), and water flavored with aromatics and colored with a red dye.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * Germicide."

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Front of bottle label, 6-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat and Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 6-oz. size) "Healing * * * In Keeping Teeth and Gums Healthy use ZePyrol * * * In Preventing Sore Throat, Tonsilitis, Influenza, etc., gargle with ZePyrol full strength or diluted. For serious cases see a competent physician. * * * In Relieving Catarrh * * * Skin * * * Eruptions"; (carton, 6-oz. size) "Healing * * * An Aid to Prevent & Relieve Pyorrhoea and Germ Diseases * * * Prevent Tonsil Infection from Coughs—Colds * * * Please Help Keep Your Health A man suffered for years from acute rheumatism. He went from one doctor to another without relief. Finally he went to his dentist one day to have his teeth fixed. A blind abscess was found which was opened and cured. Immediately his rheumatism disappeared. Another man had a supposed case of spine trouble. No doctor gave him relief until, finally, one physician suggested that he have his teeth examined. Pyorrhoea was discovered, cured and spinal trouble left him. In another case defective eyesight was found due to defective teeth. A man's throat trouble of years' standing was found to be caused by toxins in teeth. Evidently we do not give our teeth due credit for their importance in our general health. * * * Teeth—Loose sensitive teeth, bleeding gums. Pyorrhoea—(Rigg's Disease.) * * * Tonsils—Infection usually following lack of attention to the teeth as well as mouth and throat, Colds—Coughs. * * * Prevents infection, pimples, etc. * * * Nasal Passages—Influenza, coughs, colds, etc."; (front of bottle label, 14-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat And Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 14-oz. size) "Healing * * * To Aid In Preventing Pyorrhoea And In Keeping Teeth And Gums Healthy use ZePyrol * * * To Aid In Preventing Sore Throat, Tonsilitis, Influenza, etc., gargle with ZePyrol either full strength or diluted. For serious cases, see a competent physician. * * * in Relieving Catarrh * * * Skin * * * Eruptions * * *"; (carton, 14-oz. size) "Healing * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases * * * Gargle For Throat Infection * * * an aid in maintaining health. * * * leaves the tissues in a firm, clean, disease resisting condition. * * * as a gargle at first indications of sore throat or other infection. * * * keep the gums, teeth and tonsils free from infection. * * * To keep the tooth brush * * * aseptic. * * * As an aid in preventing sore throat, coughs, etc."

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22003. Misbranding of Beatsol Earache Outfit. U. S. v. 86 Packages of Beatsol Earache Outfit. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31568. Sample no. 43987-A.)

Examination of the drug preparation, Beatsol Earache Outfit, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton, and in a circular and display carton accompanying the article.

On November 14, 1933, the United States attorney for the Northern District of New York acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 packages of Beatsol Earache Outfit at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1933, by the G. & W. Laboratories, Inc., from Jersey City, N.J., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ether, camphor, eucalyptol, and alcohol.